

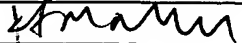
1AP13 Rec'd PCT/PTO 16 NOV 2006

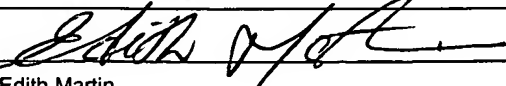
PTO/SB/21 (09-04)

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TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/523,222	
	Int'l Application No.	PCT/GB03/03355	
	International Filing Date	August 1, 2003	
	First Named Inventor	Tanir, Erol Ralph	
	Art Unit	2873	
	Examiner Name	Not yet assigned	
Total Number of Pages in This Submission	94	Attorney Docket Number	S18.001

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input checked="" type="checkbox"/> Statement in Support of Petition <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Renewed Petition under 37 CFR § 1.47(a) to Accept Application with Missing Signature <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Exhibit A, Exhibit B, Exhibit C, Exhibit D, copy of Decision on Petition, and Acknowledgement Postcard
<div style="border: 1px solid black; padding: 2px; min-height: 40px;">Remarks</div>		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm Name	Buckley, Maschoff & Talwalkar LLC	
Signature		
Printed name	Kurt M. Maschoff	
Date	November 13, 2006	Reg. No. 38,235

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Typed or printed name	Edith Martin	Date	November 13, 2006

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: TANIR et al.

Application No.: 10/523,222

International Application No.:
PCT/GB03/03355

International Filing Date: August 1, 2003

For: SPECTACLE KIT

) Group Art Unit: 2873

)

) Examiner: Not yet assigned

)

) **RENEWED PETITION UNDER 37 CFR**
) **§ 1.47(a) TO ACCEPT APPLICATION**
) **WITH MISSING SIGNATURE**

)

) Attorney Docket No.: S18.001

)

) **PTO Customer Number 28062**

) Buckley, Maschoff & Talwalkar LLC

) 50 Locust Avenue

) New Canaan, CT 06840

)

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Dated: November 13, 2006

By:

Edith Martin

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RENEWED PETITION UNDER 37 CFR § 1.47(a) TO ACCEPT APPLICATION WITH MISSING SIGNATURE

(In Response to Petition mailed 13 September 2006)

Sir:

This is a renewed petition to accept the above-identified application with missing signatures. A copy of the earlier submitted petition and the Decision on Petition are attached hereto. As stated in the earlier-filed petition, joint inventor Paul Sinding is unavailable to join in this application. A further Statement, provided by joint inventor Erol Ralph Tanir is attached hereto setting forth facts regarding the unavailability of Paul Sinding. In addition to the facts provided in the attached Statement, the undersigned performed additional Internet searches in an attempt to locate a telephone number or contact address for the unavailable inventor. The searches were unsuccessful.

It is requested that this application be accepted pursuant to 37 CFR 1.47 (a). The last known address for Paul Davey Sinding is: Unit 1, Oaksey Road, Pool Keynse, Cirencester GL7 6EA UK.

Enclosed herewith are:

1. Statement in Support of Petition from Edith Martin
2. Exhibit A - New Zealand White Pages;
3. Exhibit B – searches for Paul Davey Sinding;
4. Exhibit C – searches for Paul Sinding;
5. Exhibit D – searches for Davey Sinding;
6. Copy of the Petition Decision of 13 September 2006.

While no fee is believed due in conjunction with this renewed petition, the undersigned hereby authorizes the Commissioner to charge or credit any additional fees to Deposit Account No. 50-1852.

Respectfully submitted,

November 13, 2006

Date



Kurt M. Maschoff
Registration No. 38,235
Buckley, Maschoff & Talwalkar LLC
50 Locust Avenue
New Canaan, CT 06840
(203) 972-0081

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: TANIR et al.	) Group Art Unit: 2873
)
Application No.: 10/523,222	) Examiner: Not yet assigned
)
International Application No.: PCT/GB03/03355	) STATEMENT IN SUPPORT OF
	) PETITION
)
International Filing Date: August 1, 2003	) Attorney Docket No.: S18.001
)
For: SPECTACLE KIT	) PTO Customer Number 28062
	) Buckley, Maschoff & Talwalkar LLC
	) 50 Locust Avenue
	) New Canaan, CT 06840
)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT

Sir:

The undersigned, Edith Martin, hereby states as follows:

1. That she makes this Statement in support of the Petition to Accept Application With Missing Signatures in connection with the above-identified application.
2. That joint inventor Paul Davey Sinding is unavailable to join in this application as evidenced by the following facts: On August 19, 2006, the undersigned performed extensive Google searches to identify location services for individuals residing in New Zealand, and performed searches on sources including the New Zealand White Pages (Exhibit A) for "Paul Davey Sinding" (Exhibit B); "Paul Sinding" (Exhibit C); and "Davey Sinding" (Exhibit D). None of the searches located Mr Sinding.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or

imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

November 13, 2006
Date



Edith Martin

EXHIBIT A

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new zealand white pages

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[Preferences](#)**Web**Results 1 - 10 of about **9,610,000** for **new zealand white pages**. (0.07 seconds)**New Zealand White Pages**Get maps and directions for any street or place in **New Zealand** 2006 **White Pages®** Arts Charity Auction. Place a bid for an original, iconic artwork. ...www.whitepages.co.nz/ - 19k - Oct 17, 2006 - [Cached](#) - [Similar pages](#)[Help](#) - www.whitepages.co.nz/Pages/Info/Single/0,2625,a1281_b6579386,00.html[CONTACT US](#) - www.whitepages.co.nz/.../Single/0,2625,a1281_b6579382,00.html[White Pages® PopUp Message Page](#) -www.whitepages.co.nz/Pages/PopUp/Messag...[More results from www.whitepages.co.nz »](#)**Telecom White Pages® Home Page****New Zealand**, North Island, South Island, Auckland, Bay of Plenty ... 2006 **White Pages®** Arts Charity Auction. Place a bid for an original, iconic artwork. ...www.whitepages.co.nz/Pages/Home/0,2622,a1281,00.html - 19k - [Cached](#) - [Similar pages](#)[[More results from www.whitepages.co.nz](#)]**Telecom New Zealand Limited**>Building a **New Home**? FutureProof the Home - Show Home Addresses tLab - Telecom's future services incubator >Find a number **White Pages** **Yellow Pages** ...www.telecom.co.nz/ - 43k - [Cached](#) - [Similar pages](#)**White Pages : Telecom New Zealand Limited**Did you know that you can update your **White Pages®** listing online? You can also check out directory closing dates, search the **White Pages®**, ...www.telecom.co.nz/content/0,8748,202332-204356,00.html?nv=tpd - 40k - Oct 16, 2006 -[Cached](#) - [Similar pages](#)[[More results from www.telecom.co.nz](#)]**White Pages - New Zealand - Telephone Directory - Phone Book****White Pages: New Zealand white pages**, for both people and businesses. Can search by any part of a name. **Yellow Pages: New Zealand Yellow Pages**. ...www.numberway.com/phone-numbers/94/ - 6k - [Cached](#) - [Similar pages](#)**New Zealand Yellow Pages****Yellow Pages® New Zealand**. ... Get maps and directions for any street or place in **New Zealand** Accommodation Food & Drink ...www.yellowpages.co.nz/ - 32k - Oct 17, 2006 - [Cached](#) - [Similar pages](#)**Australia and New Zealand Yellow Pages and White Pages**Directory of **Yellow Pages** and **White Pages** in Australia and **New Zealand**.www.yellow.com/053.html - 13k - [Cached](#) - [Similar pages](#)**Australia Yellow Pages and White Pages**Internet **Yellow Pages- New Zealand Yellow Pages. New Zealand Directory Search- New Zealand White Pages. Newzealand.com- Information Directory for New** ...www.yellow.com/554.html - 14k - [Cached](#) - [Similar pages](#)**WhitePages.com - Online Directory Assistance****White pages** free people search Login. Register. Get More from WhitePages!

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New Zealand in Australia and Pacific. **New Zealand New Zealand White Pages New Zealand Yellow Pages** WebNZ Platinum Business Directory ...

kevxml2a.infospace.com/home/**white-pages**/world/regions.htm?

cou=**newzealand**&cont=Australia_Pacific - 16k - Oct 17, 2006 - [Cached](#) - [Similar pages](#)

Result Page: [1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [10](#) [Next](#)

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LOOKING FOR A LOW
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FIND A LISTING...

Name / Business *

Paul Davey Sinding

Location

Region

Auckland

* REQUIRED

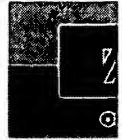
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[Search](#)


We have no listings for: "Paul Davey Sinding"
In the: **Auckland** Region

Sorry

The most common reasons for this result are:

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- You've included a suburb name in the Location: field but the people you're looking for are listed in a different (but adjoining) suburb. For example, you won't find someone whose listing is for **Wilton** if you search in **Wadestown**.
- The name you're looking for may not be spelled the way you think it is. Internet White Pages® includes an option to find some alternative spellings (for example, **smyth** when you search for **smith**).
- We recommend you start with a general search - just a surname and perhaps a region. This is often enough for you to get what you need. If it returns too many results, try adding one initial and/or a location

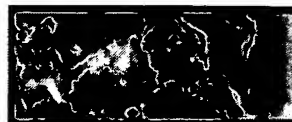
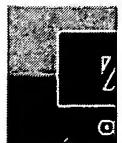


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LOOKING FOR A LOW INTEREST PERSONAL LOAN?

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FIND A LISTING...

Name / Business *

Paul Davey Sinding

Location

Region

Bay of Plenty ☐

* REQUIRED

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We have no listings for: "Paul Davey Sinding"
In the: **Bay of Plenty** Region

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FIND A LISTING...

Name / Business *

Paul Davey Sinding

Location

Region

Canterbury

* REQUIRED

[HELP](#)
[Search](#)


We have no listings for: "Paul Davey Sinding"
In the: **Canterbury** Region

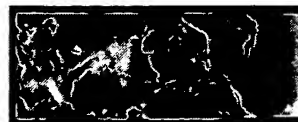
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FIND A LISTING...

Name / Business *

Paul Davey Sinding

Location

Region

Gisborne

* REQUIRED

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We have no listings for: "Paul Davey Sinding"
In the: **Gisborne** Region

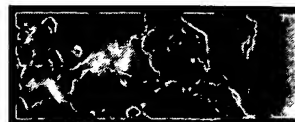
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FIND A LISTING...

Name / Business *

Paul Davey Sinding

Location

Region

Hawke's Bay

* REQUIRED

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In the: Hawke's Bay Region

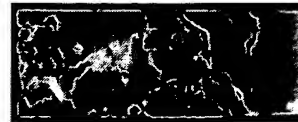
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FIND A LISTING...

Name / Business *

Paul Davey Sinding

Location

Region

Manawatu ☐

* REQUIRED

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- The name you're looking for may not be spelled the way you think it is. Internet White Pages® includes an option to find some alternative spellings (for example, **smyth** when you search for **smith**).
- We recommend you start with a general search - just a surname and perhaps a region. This is often enough for you to get what you need. If it returns too many results, try adding one initial and/or a location

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FIND A LISTING...

Name / Business *

Paul Davey Sinding

Location

Region

Marlborough

* REQUIRED

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In the: Marlborough Region

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- The name you're looking for may not be spelled the way you think it is. Internet White Pages® includes an option to find some alternative spellings (for example, **smyth** when you search for **smith**).
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Name / Business *

Paul Davey Sinding

Location

Region

Nelson & Bays

* REQUIRED

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In the: Nelson & Bays Region

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- The name you're looking for may not be spelled the way you think it is. Internet White Pages® includes an option to find some alternative spellings (for example, **smyth** when you search for **smith**).
- We recommend you start with a general search - just a surname and perhaps a region. This is often enough for you to get what you need. If it returns too many results, try adding one initial and/or a location

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FIND A LISTING...

Name / Business *

Paul Davey Sinding

Location

Region

New Zealand

* REQUIRED

HELP

Search

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We have no listings for: "Paul Davey Sinding"
In the: New Zealand Region

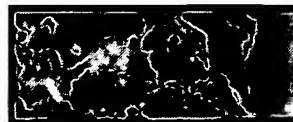
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FIND A LISTING...

Name / Business *

Paul Davey Sinding

Location

Region

North Island ☐

* REQUIRED

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We have no listings for: "Paul Davey Sinding"
In the: North Island Region

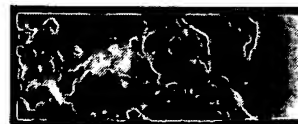
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FIND A LISTING...

Name / Business *

Paul Davey Sinding

Location

Region

Northland

* REQUIRED

HELP

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We have no listings for: "Paul Davey Sinding"

In the: Northland Region

Sorry

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FIND A LISTING...

Name / Business *

Paul Davey Sinding

Location

Region

Otago

* REQUIRED

HELP

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We have no listings for: "Paul Davey Sinding"

In the: Otago Region

Sorry

The most common reasons for this result are:

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FIND A LISTING...

Name / Business *

Paul Davey Sinding

Location

Region

South Island ☐

* REQUIRED

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a map?**
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We have no listings for: "Paul Davey Sinding"
In the: **South Island Region**

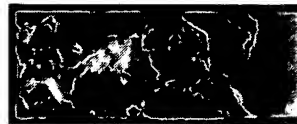
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FIND A LISTING...

Name / Business *

Paul Davey Sinding

Location

Region

Southland

* REQUIRED

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We have no listings for: "Paul Davey Sinding"

In the: Southland Region

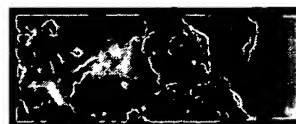
Sorry

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FIND A LISTING...

Name / Business *

Paul Davey Sinding

Location

Region

Taranaki

* REQUIRED

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We have no listings for: "Paul Davey Sinding"

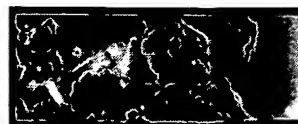
In the: Taranaki Region

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FIND A LISTING...

Name / Business *

Paul Davey Sinding

Location

Region

Timaru & Oamaru

* REQUIRED

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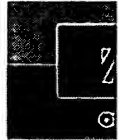
We have no listings for: "Paul Davey Sinding"

In the: Timaru & Oamaru Region

Sorry

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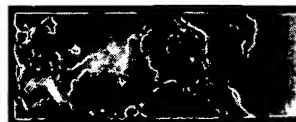
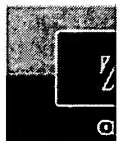


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FIND A LISTING...

Name / Business *

Paul Davey Sinding

Location

Region

Waikato

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We have no listings for: "Paul Davey Sinding"

In the: **Waikato** Region

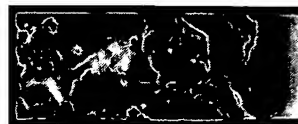
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FIND A LISTING...

Name / Business *

Paul Davey Sinding

Location

Region

Wairarapa

* REQUIRED

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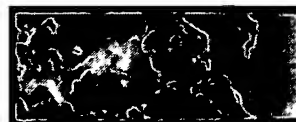
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We have no listings for: "Paul Davey Sinding"
In the: **Wairarapa** Region

Sorry

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Name / Business *

Location

Region

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We have no listings for: "Paul Davey Sinding"

In the: **Wanganui** Region

Sorry

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FIND A LISTING...

Name / Business *

Paul Davey Sinding

Location

Region

Wellington

* REQUIRED

HELP

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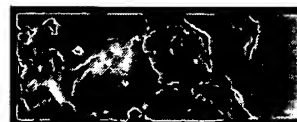
We have no listings for: "Paul Davey Sinding"

In the: Wellington Region

Sorry

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FIND A LISTING...

Name / Business *

Paul Davey Sinding

Location

Region

West Coast

* REQUIRED

[HELP](#)
[Search](#)

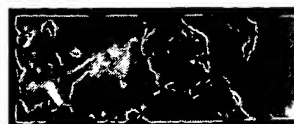

We have no listings for: "Paul Davey Sinding"
In the: **West Coast** Region

Sorry

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FIND A LISTING...

Name / Business *

Paul Sinding

Location

Region

Auckland

* REQUIRED

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We have no listings for: "Paul Sinding"
In the: **Auckland** Region

Sorry

The most common reasons for this result are:

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FIND A LISTING...

Name / Business *

Paul Sinding

Location

Region

Bay of Plenty

* REQUIRED

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We have no listings for: "Paul Sinding"
In the: Bay of Plenty Region

Sorry

The most common reasons for this result are:

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FIND A LISTING...

Name / Business *

Paul Sinding

Location

Region

Canterbury

* REQUIRED

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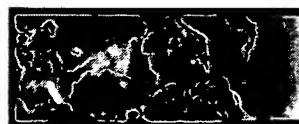
We have no listings for: "Paul Sinding"

In the: Canterbury Region

Sorry

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Name / Business *

Paul Sinding

Location

Region

Gisborne

* REQUIRED

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We have no listings for: "Paul Sinding"

In the: **Gisborne** Region

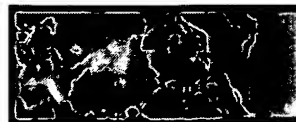
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- We recommend you start with a general search - just a surname and perhaps a region. This is often enough for you to get what you need. If it returns too many results, try adding one initial and/or a location



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FIND A LISTING...

Name / Business *

Paul Sinding

Location

Region

Hawke's Bay

* REQUIRED

HELP

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We have no listings for: "Paul Sinding"
In the: **Hawke's Bay** Region

Sorry

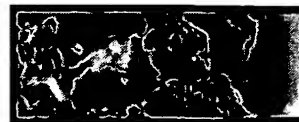
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FIND A LISTING...

Name / Business *

Paul Sinding

Location

Region

Manawatu

* REQUIRED

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We have no listings for: "Paul Sinding"
In the: Manawatu Region

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The most common reasons for this result are:

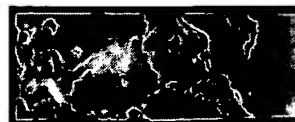
- The person you're looking for may have asked not to appear in The Telephone Book or Internet White Pages®
- You've included a suburb name in the Location: field but the people you're looking for are listed in a different (but adjoining) suburb. For example, you won't find someone whose listing is for **Wilton** if you search in **Wadestown**.
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FIND A LISTING...

Name / Business *

Paul Sinding

Location

Region

Marlborough

* REQUIRED

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We have no listings for: "Paul Sinding"
In the: Marlborough Region

Sorry

The most common reasons for this result are:

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Name / Business *

Paul Sinding

Location

Region

Nelson & Bays

* REQUIRED

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We have no listings for: "Paul Sinding"

In the: Nelson & Bays Region

Sorry

The most common reasons for this result are:

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FIND A LISTING...

Name / Business *

Paul Sinding

Location

Region

New Zealand ☐

* REQUIRED

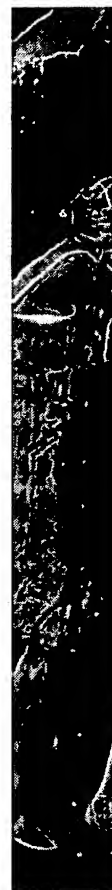
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We have no listings for: "Paul Sinding"
 In the: New Zealand Region

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FIND A LISTING...

Name / Business *

Paul Sinding

Location

Region

North Island ☐

* REQUIRED

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We have no listings for: "Paul Sinding"
In the: North Island Region

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FIND A LISTING...

Name / Business *

Paul Sinding

Location

Region

Northland

* REQUIRED

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We have no listings for: "Paul Sinding"
In the: Northland Region

Sorry

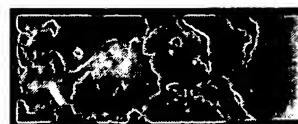
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FIND A LISTING...

Name / Business *

Paul Sinding

Location

Region

Otago ☐

* REQUIRED

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We have no listings for: "Paul Sinding"
In the: Otago Region

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FIND A LISTING...

Name / Business *

Paul Sinding

Location

Region

South Island

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In the: South Island Region

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FIND A LISTING...

Name / Business *

Paul Sinding

Location

Region

Southland

* REQUIRED

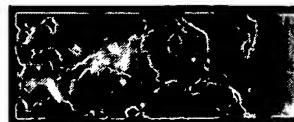
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In the: Southland Region

Sorry

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FIND A LISTING...

Name / Business *

Paul Sinding

Location

Region

Taranaki

* REQUIRED

HELP

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We have no listings for: "Paul Sinding"
In the: Taranaki Region

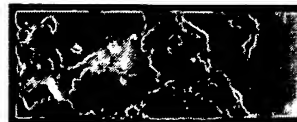
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FIND A LISTING...

Name / Business *

Paul Sinding

Location

Region

Timaru & Oamaru ☐

* REQUIRED

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We have no listings for: "Paul Sinding"

In the: **Timaru & Oamaru Region**

Sorry

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FIND A LISTING...

Name / Business *

Paul Sinding

Location

Region

Waikato

* REQUIRED

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We have no listings for: "Paul Sinding"
In the: **Waikato** Region

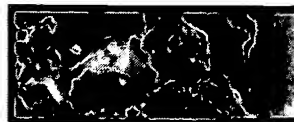
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FIND A LISTING...

Name / Business *

Paul Sinding

Location

Region

Wairarapa

* REQUIRED

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We have no listings for: "Paul Sinding"
In the: Wairarapa Region

Sorry

The most common reasons for this result are:

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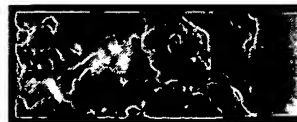

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FIND A LISTING...

Name / Business *

Paul Sinding

Location

Region

Wanganui

* REQUIRED

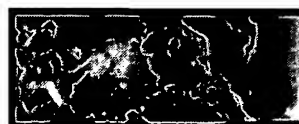
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In the: **Wanganui** Region

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FIND A LISTING...

Name / Business *

Paul Sinding

Location

Region

Wellington

* REQUIRED

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We have no listings for: "Paul Sinding"

In the: Wellington Region

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- The name you're looking for may not be spelled the way you think it is. Internet White Pages® includes an option to find some alternative spellings (for example, **smyth** when you search for **smith**).
- We recommend you start with a general search - just a surname and perhaps a region. This is often enough for you to get what you need. If it returns too many results, try adding one initial and/or a location



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FIND A LISTING...

Name / Business *

Paul Sinding

Location

Region

West Coast

* REQUIRED

HELP

Search

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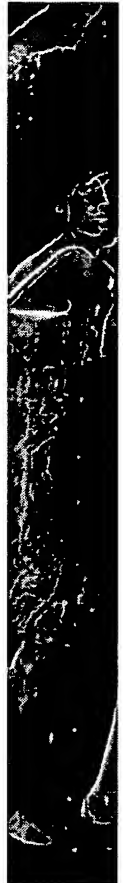
Click Here

We have no listings for: "Paul Sinding"
In the: West Coast Region

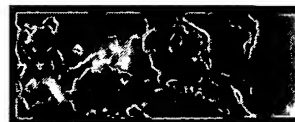
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FIND A LISTING...

Name / Business *

Davey Sinding

Location

Region

Auckland

* REQUIRED

HELP

Search

Need
a map?

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We have no listings for: "Davey Sinding"

In the: Auckland Region

Sorry

The most common reasons for this result are:

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FIND A LISTING...

Name / Business *

Davey Sinding

Location

Region

Bay of Plenty

* REQUIRED

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We have no listings for: "Davey Sinding"
In the: Bay of Plenty Region

Sorry

The most common reasons for this result are:

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FIND A LISTING...

Name / Business *

Davey Sinding

Location

Region

Canterbury

* REQUIRED

HELP

Search



We have no listings for: "Davey Sinding"
In the: Canterbury Region

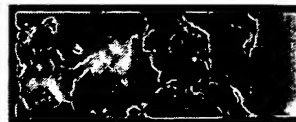
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FIND A LISTING...

Name / Business *

Davey Sinding

Location

Region

Gisborne

* REQUIRED

HELP

Search

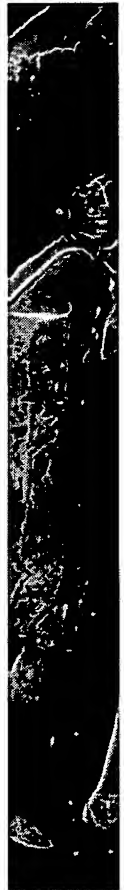


We have no listings for: "Davey Sinding"
In the: Gisborne Region

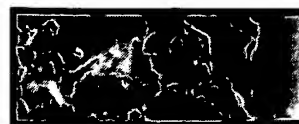
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FIND A LISTING...

Name / Business *

Davey Sinding

Location

Region

Hawke's Bay

* REQUIRED

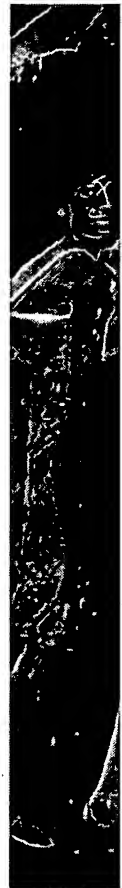
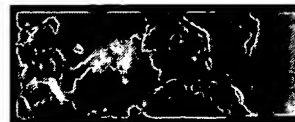
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We have no listings for: "Davey Sinding"

In the: **Hawke's Bay** Region**Sorry**

The most common reasons for this result are:

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FIND A LISTING...

Name / Business *

Davey Sinding

Location

Region

Manawatu

* REQUIRED

HELP

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We have no listings for: "Davey Sinding"
In the: Manawatu Region

Sorry

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FIND A LISTING...

Name / Business *

Davey Sinding

Location

Region

Marlborough

* REQUIRED

HELP

Search

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We have no listings for: "Davey Sinding"
In the: Marlborough Region

Sorry

The most common reasons for this result are:

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Name / Business *

Location

Region

* REQUIRED

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We have no listings for: "Davey Sinding"

In the: **Nelson & Bays** Region

Sorry

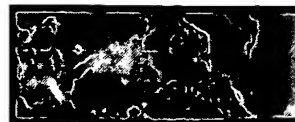
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FIND A LISTING...

Name / Business *

Davey Sinding

Location

Region

New Zealand ☐

* REQUIRED

HELP

Search

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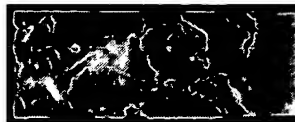
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We have no listings for: "Davey Sinding"
In the: New Zealand Region

Sorry

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FIND A LISTING...

Name / Business *

Davey Sinding

Location

Region

North Island ☐

* REQUIRED

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We have no listings for: "Davey Sinding"
In the: **North Island** Region

Sorry

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Name / Business *

Davey Sinding

Location

Region

Northland

* REQUIRED

HELP

Search

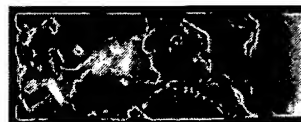
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a map?****Click Here**

We have no listings for: "Davey Sinding"
In the: Northland Region

Sorry

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FIND A LISTING...

Name / Business *

Davey Sinding

Location

Region

Otago

* REQUIRED

HELP

Search

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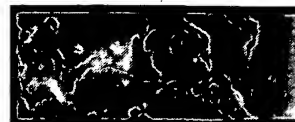
We have no listings for: "Davey Sinding"

In the: Otago Region

Sorry

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FIND A LISTING...

Name / Business *

Davey Sinding

Location

Region

South Island ☐

* REQUIRED

HELP

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We have no listings for: "Davey Sinding"
In the: South Island Region

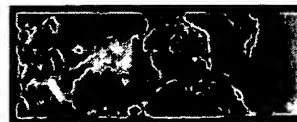
Sorry

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Name / Business *

Location

Region

* REQUIRED

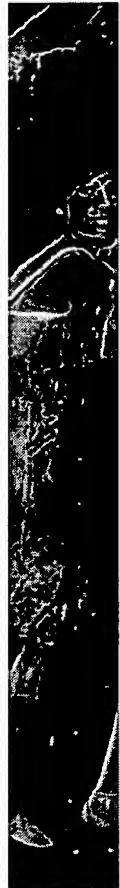
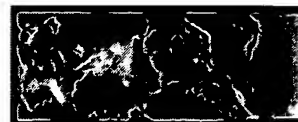
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We have no listings for: "Davey Sinding"
In the: **Southland** Region

Sorry

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FIND A LISTING...

Name / Business *

Davey Sinding

Location

Region

Taranaki

* REQUIRED

HELP

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In the: Taranaki Region

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- We recommend you start with a general search - just a surname and perhaps a region. This is often enough for you to get what you need. If it returns too many results, try adding one initial and/or a location

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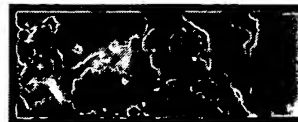
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FIND A LISTING...

Name / Business *

Davey Sinding

Location

Region

Timaru & Oamaru

* REQUIRED

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We have no listings for: "Davey Sinding"

In the: **Timaru & Oamaru** Region

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FIND A LISTING...

Name / Business *

Davey Sinding

Location

Region

Waikato

* REQUIRED

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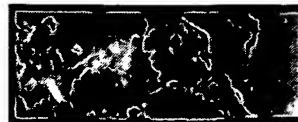
We have no listings for: "Davey Sinding"

In the: **Waikato** Region

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Name / Business *

Davey Sinding

Location

Region

Wairarapa

* REQUIRED

HELP

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 In the: **Wairarapa** Region

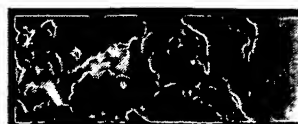
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FIND A LISTING...

Name / Business *

Davey Sinding

Location

Region

Wanganui

* REQUIRED

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Search

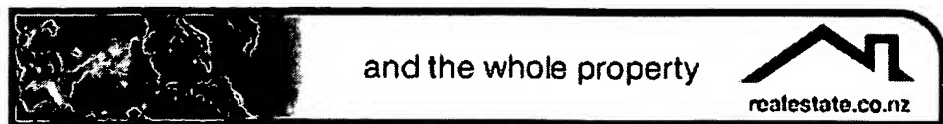
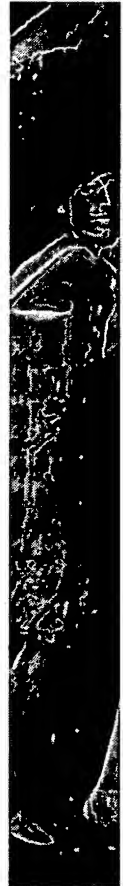


We have no listings for: "Davey Sinding"
In the: Wanganui Region

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Name / Business *

Davey Sinding

Location

Region

Wellington

* REQUIRED

HELP

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In the: **Wellington Region**

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- The name you're looking for may not be spelled the way you think it is. Internet White Pages® includes an option to find some alternative spellings (for example, **smyth** when you search for **smith**).
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FIND A LISTING...

Name / Business *

Davey Sinding

Location

Region

West Coast

* REQUIRED

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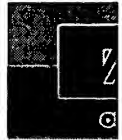
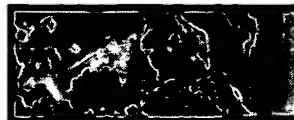
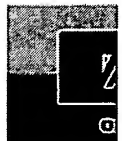


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In the: **West Coast** Region

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13 SEP 2006

Buckley, Maschoff & Talwalkar, LLC
5 Elm Street
New Canaan, CT 06840

In re Application of
TANIR et al.
U.S. Application No. 10/523,222
PCT No.: PCT/GB03/03355
It. Filing Date: 01 August 2003
Priority Date: 01 August 2002
Attorney Docket No.: S18.001
For: SPECTACLE KIT

RECEIVED SEP 15 2006

DECISION ON PETITION

This decision is issued in response to "Renewed Petition under 37 CFR 1.47(a) to Accept Application with Missing Signature" filed 30 June 2006 to accept the application without the signature of joint-inventor, Paul Davey Sinding.

BACKGROUND

On 01 August 2003, applicants filed international application PCT/GB03/03355 which claimed a priority date of 01 August 2002. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 01 February 2004.

On 31 January 2005, applicants filed a transmittal letter for entry into the national stage in the United States, which accompanied by, inter alia: the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a copy of the international application; and a copy of the international search report.

On 17 August 2005, the United States Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 20 January 2006, applicants filed a petition under 37 CFR 1.47(a) and the requisite petition fee for a three-month extension of time. In a decision dated 27 April 2006, applicants' renewed petition under 37 CFR 1.47(a) was dismissed without prejudice.

On 30 June 2006, applicants filed the present renewed petition under 37 CFR 1.47(a).

Buckley, Maschoff, Talwalkar & Allison LLC
9/15/2006

Date Received:

Matter No.: S18.001

Atty: Kmm

Items Docketed: THE PETITION IS
DISMISSED

Initials: S

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17, (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and behalf of the nonsigning joint inventor. Items (1), (3) and (4) have been satisfied.

As to item (2), petitioner states that Paul Davey Sinding cannot be found or reached after diligent effort. Section 409.03(d) of the Manual of Patent Examining Procedure (M.P.E.P.), **Proof of Unavailability or Refusal**, states, in part:

Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made.

The fact that a nonsigning inventor is on vacation or out of town and is therefore temporarily unavailable to sign the declaration is not an acceptable reason for filing under 37 CFR 1.47.

The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included statement of facts. It is important that the statement contain facts as opposed to conclusions.

A review of the present petition reveals that petitioner has not provided an acceptable showing that a diligent effort was made to locate the nonsigning inventor, Paul Davey Sinding. The declaration of Erol Tanir states "that joint inventor Paul Sinding cannot be reached after diligent effort. . ." However, no documentary evidence to support Mr. Tanir's assertion has been provided with the petition. Further, the declaration fails to include evidence to determine the possible whereabouts of the missing inventor. In this case, a diligent effort may be a search of Internet and/or telephone directories to determine if Davey Sinding has a forwarding address and/or telephone number. Applicants are reminded that documentary evidence of the internet searches, certified mail return receipt, cover letter of instructions, telegrams, etc., should be supplied by a person having firsthand knowledge of the facts.

For the reasons stated above, it would not be appropriate to accept the application without the signature of Paul Davey Sinding under 37 CFR 1.47(a) at this time.

CONCLUSION

The petition under 37 CFR 1.47(a) is DISMISSED without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTH** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required.

Any further correspondence with respect to this matter should be addressed to: Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

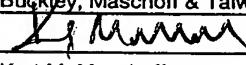


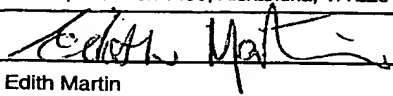
Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel.: (571) 272-3298
Fax: (571) 273-0459

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)		Application Number	10/523,222	
		Int'l Application No.	PCT/GB03/03355	
		International Filing Date	August 1, 2003	
		First Named Inventor	Tanir, Erol Ralph	
		Art Unit	2873	
Total Number of Pages in This Submission		18	Attorney Docket Number	S18.001
		Examiner Name	Not yet assigned	

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input checked="" type="checkbox"/> Statement in Support of Petition (Erol Tanir) & Resignation (Attachment A) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Renewed Petition under 37 CFR § 1.47(a) to Accept Application with Missing Signature <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input checked="" type="checkbox"/> Declaration and Power of Attorney (Erol Tanir) <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Copy of Statement from Kurt Maschoff, copy of Exhibit A to Statement of Kurt Maschoff, copy of Decision on Petition, copy of Notification of Missing Requirements, and Acknowledgement Postcard
Remarks COPY		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Buckley, Maschoff & Talwalkar LLC		
Signature			
Printed name	Kurt M. Maschoff		
Date	June 27, 2006	Reg. No.	38,235

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop PCT, Attn: PCT Legal Administration, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Signature			
Typed or printed name	Edith Martin	Date	June 27, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: TANIR et al.

Application No.: 10/523,222

International Application No.:
PCT/GB03/03355

International Filing Date: August 1, 2003

For: SPECTACLE KIT

) Group Art Unit: 2873

)

) Examiner: Not yet assigned

)

) **RENEWED PETITION UNDER 37 CFR
§ 1.47(a) TO ACCEPT APPLICATION
WITH MISSING SIGNATURE**

)

) Attorney Docket No.: S18.001

)

) **PTO Customer Number 28062**

) Buckley, Maschoff & Talwalkar LLC

) Five Elm Street

) New Canaan, CT 06840

)

CERTIFICATE OF MAILING UNDER 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop PCT, Attn: PCT Legal Administration, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, VA 22313-1450, on June 27, 2006.

Dated: June 27, 2006By: 

Edith Martin

Mail Stop PCT
Attn: PCT Legal Administration
Commissioner for Patents
Office of PCT Legal Administration
P.O. Box 1450
Alexandria, VA 22313-1450

COPY**RENEWED PETITION UNDER 37 CFR § 1.47(a) TO ACCEPT APPLICATION WITH MISSING SIGNATURE****(In Response to Petition mailed 27 April 2006)**

Sir:

This is a renewed petition to accept the above-identified application with missing signatures. A copy of the earlier submitted petition and the Decision on Petition are attached hereto. As stated in the earlier-filed petition, joint inventor Paul Sinding is unavailable to join in this application. A further Statement, provided by joint inventor Erol Ralph Tanir is attached hereto setting forth facts regarding the unavailability of Paul Sinding. In addition to the facts provided in the attached Statement, the undersigned performed additional Internet searches in an attempt to locate a telephone number or contact address for the unavailable inventor. The searches were unsuccessful.

COPY

Application Serial No.: 10/523,222
Int'l. App. No.: PCT/GB03/03355
Attorney Docket No.: S18.001

It is requested that this application be accepted pursuant to 37 CFR 1.47 (a). The last known address for Paul Davey Sinding is: Unit 1, Oaksey Road, Pool Keynse, Cirencester GL7 6EA UK.

Enclosed herewith are:

1. Statement in Support of Petition from Erol Tanir;
2. Copy of Resignation (Attachment A);
3. Copy of Declaration and Power of Attorney, signed b Erol Tanir;
4. Copy of the Petition Decision of 27 April 2006;
5. Copy of Statement from Kurt Maschoff (previously filed);
6. Copy of Exhibit A to Statement of Kurt Maschoff (previously filed); and
7. Copy of Notification of Missing Requirements under 35 U.S.C. 371.

While no fee is believed due in conjunction with this renewed petition, the undersigned hereby authorizes the Commissioner to charge or credit any additional fees to Deposit Account No. 50-1852.

Respectfully submitted,

June 27, 2006

Date



Kurt M. Maschoff
Registration No. 38,235
Buckley, Maschoff & Talwalkar LLC
Five Elm Street
New Canaan, CT 06840
(203) 972-0081

COPY

Attorney Docket No. S18.001

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: TANIR ET AL.

Application No.: 10/523,222

International App. No.: PCT/GB03/03355

International Filing Date: Aug. 1, 2003

For: SPECTACLE KIT

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)
) Group Art Unit: 2873
)
) Examiner: Not yet assigned
)
) **STATEMENT IN SUPPORT OF**
) **PETITION**
)
) Attorney Docket No.: S18.001
)
) Buckley, Maschoff & Talwalkar llc
) 5 Elm Street
) New Canaan, CT 06840
) (203) 972-0006
)
)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT

Sir:

The undersigned, Erol Tanir, hereby states as follows:

1. That he is one of the named inventors in this application, and that he is a Director of Spexxworld, LTD, the assignee of the present application.
2. That he makes this Statement in support of the Petition to accept application with missing signatures in connection with this application.
3. That joint inventor Paul Sinding cannot be reached after diligent effort by the undersigned and as a result is unavailable to join in this application as evidenced by the following facts:
 - (a) Paul Sinding was a Director of Spexxworld LTD until June 14, 2004 when he resigned. A copy of his resignation is attached hereto as Attachment A. At that time, his address was Unit 1 Oaksey, Poole Keynes Cirencester Glos. UK GL7 6EA. This is his last known address.

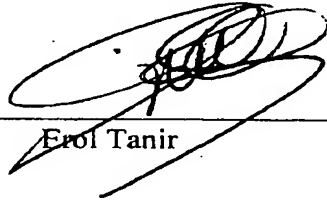
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Attorney Docket No. S18.001

- (b) From Mr. Sinding's departure from the company in June 2004 until July 2004, I made countless attempts to contact him by telephone to discuss (among other things) the patent filing. I never received a return phone call or an answer. I stopped calling the number after it was disconnected.
- (c) I sent a number of emails to Mr. Sinding at his last known email address (paul@spexx.co.uk) but never received a reply.
- (d) I attempted to contact him by visiting him at his apartment in Cirencester in the summer of 2004 and discovered that he had moved out of the property. The agent renting the apartment informed me that Mr. Sinding had moved out with no forwarding address and that there was no rent owed on the apartment (and thus the agent had no contact address for Mr. Sinding).
- (e) I have since heard that Mr. Sinding may have relocated to New Zealand. I attempted to contact directory assistance to locate a telephone number or address for Mr. Sinding but there is no listing for a Paul Sinding.
- (f) I believe I have pursued contact using reasonable diligence, and have exhausted all avenues of contacting Mr. Sinding to obtain his signature on the patent application Oath.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

June 26, 2006
Date



Erol Tanir

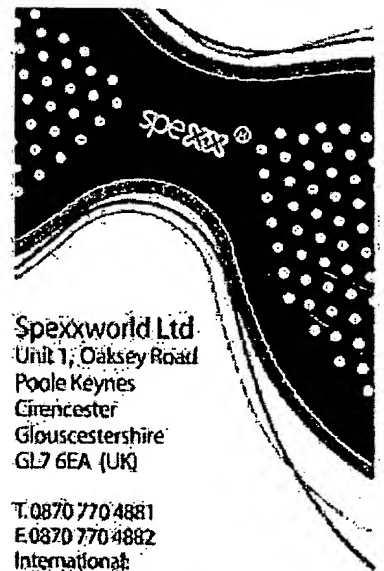
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Unit 1 Oaksey
Poole Keynes
Cirencester
Glos, GL7 6EA



Spexxworld Ltd
Unit 1, Oaksey Road
Poole Keynes
Cirencester
Gloucestershire
GL7 6EA (UK)

T.0870 770 4881
E.0870 770 4882
International:
+44 (0)1285 869 750 (T)
+44 (0)1285 869 760 (F)
info@spexxworld.co.uk
www.spexxworld.co.uk

Attention Amy Davies
Lloyds TSB
Bristol Direct Business Centre
PO Box 3037
Cardiff, CF3 3OS

14/06/2004

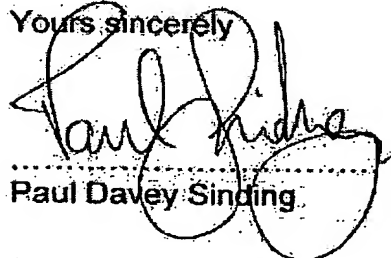
Dear Amy Davies
Business Manager

Re: Resignation

I hereby confirm my resignation as a Director of Spexxworld Ltd, Company
Registration No: 4286194 (the "Company")

Please amend account details and remove my signature from the account.

Yours sincerely


Paul Davey Sinding

I confirm the above resignation.



COPY

Attorney Docket No.: S18.001

**DECLARATION AND POWER OF ATTORNEY FOR
PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **SPECTACLE KIT**, the specification of which

☒ was filed on January 31, 2005 as United States Application No. 10/523,222.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in 37 CFR Section 1.56.

I hereby claim foreign priority benefits under 35 USC Section 119(a)-(d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate or PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Applications(s)
Claimed

Priority
Not

0217834.1

(Number)

UK

(Country)

01 August 2002

(Date/Month/Year Filed)



(Number)

(Country)

(Date/Month/Year Filed)

17 OCT 2008 10:30 01722 0013 CHAPMAN MULL

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PAGE 06/07
Attorney Docket No.: S18.001

I hereby claim the benefit under 35 USC Section 119(e) of any United States provisional application(s) below:

(Application Serial No.)

(Filing Date)

(Application Serial No.)

(Filing Date)

I hereby claim the benefit under 35 USC Section 120 of any United States application(s), or Sections 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 USC Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37 CFR, or PCT International filing date of this application:

PCT/GB2003/003355
(Application Serial No.)

1 August 2003
(Filing Date)

Pending
(Status)
(patented, pending, abandoned)

(Application Serial No.)

(Filing Date)

(Status)
(patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

PTO Customer Number 28062
Nathaniel Levin (Reg. No. 34,860);
Kurt M. Maschoff (Reg. No. 38,235);

COPY


Attorney Docket No.: S18.001

Patrick J. Buckley (Reg. No. 40,928);
Nandu A. Talwalkar (Reg. No. 41,339);
Randolph P. Calhoun (Reg. No. 45,371); and
Alan Cooper (Reg. No. 51,217).

Send correspondence to:

PTO Customer Number 28062
Kurt M. Maschoff
BUCKLEY, MASCHOFF & TALWALKAR LLC
Five Elm Street
New Canaan, CT 06840

Direct telephone calls to: Kurt M. Maschoff at (203) 972-0081.

Full name of First Inventor Erol Ralph Tanir	
First Inventor's Signature 	Date: 10/10/2005
Residence Spexxworld Limited, Unit 1, Oaksey Road, Poole Keynes, Cirencester G17 6EA UK	
Citizenship Great Britain	
Post Office Address SAME AS RESIDENCE	

Full name of Second Inventor Paul Davey Sinding	
Second Inventor's Signature	Date:
Residence Spexxworld Limited, Unit 1, Oaksey Road, Poole Keynes, Cirencester G17 6EA UK	
Citizenship Great Britain	
Post Office Address SAME AS RESIDENCE	

COPY

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: TANIR et al.	) Group Art Unit: 2873
)
Application No.: 10/523,222	) Examiner: Not yet assigned
)
International Application No.: PCT/GB03/03355	) STATEMENT IN SUPPORT OF
	) PETITION
)
International Filing Date: August 1, 2003	) Attorney Docket No.: S18.001
)
For: SPECTACLE KIT	) PTO Customer Number 28062
	) Buckley, Maschoff & Talwalkar LLC
	) Five Elm Street
	) New Canaan, CT 06840
)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT

Sir:

The undersigned, Kurt Maschoff, hereby states as follows:

1. That he is one of the attorneys for applicants in this application.
2. That he makes this Statement in support of the Petition to accept application with missing signatures in connection with this application.
3. That joint inventor Paul Davey Sindig is unavailable to join in this application as evidenced by the following facts: Mr. Sindig left the employ of the assignee in 2004, and has been unreachable since that time. Mr. Sindig's co-inventor (Erol Tanir), who is still employed at the assignee, attempted to contact Mr. Sindig, but has been unable to (see Exhibit A). Mr. Sindig's last known address is at Unit 1, Oaksey Road, Poole Keynes, Cirencester GL7 6EA UK. He is no longer at that address.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or

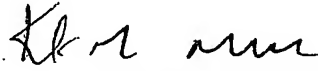
COPY

Application Serial No.: 10/523,222
Attorney Docket No. S18.001

imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

January 17, 2006

Date



Kurt M. Maschoff

Exhibit A

P121 US00

CHAPMAN MOLONY	
RECEIVED 11 OCT 2005	
PATRIX DIARY	
MANLY DIARY	Comments for the

Dear Helga

Please find enclosed Simon's documents for the US application.

As you are aware Paul Sinding can not be contacted and has left the company over 15 months ago.

Please advise with regards to the power of attorney as the deadline for filling the form is on the 1st October or
Best regards Eric.

COPY

11, N Oaksey Road, Poole Keynes
Leicester, Gloucestershire
LE16 6EA (UK)

0870 770 4881

0870 770 4882

International:

+44 (0)1285 869 750 (T)

27 APR 2006



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

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Buckley, Maschoff & Talwalkar, LLC
5 Elm Street
New Canaan, CT 06840

RECEIVED MAY 01 2006

In re Application of
TANIR et al.
U.S. Application No. 10/523,222
PCT No.: PCT/GB03/03355
It. Filing Date: 01 August 2003
Priority Date: 01 August 2002
Attorney Docket No.: S18.001
For: SPECTACLE KIT

DECISION ON PETITION

This decision is issued in response to "Petition to Accept Application with Missing Inventor" filed 20 January 2006, which is being treated as a Petition under 37 CFR 1.47(a) to accept the application without the signature of joint inventor, Paul Davey Sinding. The \$200 petition fee has been submitted.

BACKGROUND

On 01 August 2003, applicants filed international application PCT/GB03/03355 which claimed a priority date of 01 August 2002. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 01 February 2004.

On 31 January 2005, applicants filed a transmittal letter for entry into the national stage in the United States, which accompanied by, inter alia: the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a copy of the international application; and a copy of the international search report.

On 17 August 2005, the United States Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 20 January 2006, applicants filed a petition under 37 CFR 1.47(a) and the requisite petition fee for a three-month extension of time.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17, (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or

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her own behalf and behalf of the nonsigning joint inventor. Items (1), (3) and (4) have been satisfied.

As to item (2), petitioner states that Paul Davey Sinding cannot be found or reached after diligent effort. Section 409.03(d) of the Manual of Patent Examining Procedure (M.P.E.P.), **Proof of Unavailability or Refusal**, states, in part:

Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made.

The fact that a nonsigning inventor is on vacation or out of town and is therefore temporarily unavailable to sign the declaration is not an acceptable reason for filing under 37 CFR 1.47.

The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included statement of facts. It is important that the statement contain facts as opposed to conclusions.

A review of the present petition reveals that petitioner has not provided an acceptable showing that a diligent effort was made to locate the nonsigning inventor, Paul Davey Sinding. Petitioner states that Paul Davey Sinding is unavailable to join the application, however, no documentary evidence to support the attempt(s) was provided with the petition. Furthermore, it does not appear that petitioner has first hand knowledge of all the facts. As stated above, copies of documentary evidence such as internet searches, certified mail return receipt, cover letter of instructions, telegrams, etc., should be supplied by a person having firsthand knowledge of the facts.

For the reasons stated above, it would not be appropriate to accept the application without the signature of Paul Davey Sinding under 37 CFR 1.47(a) at this time.

CONCLUSION

The petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTH** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required.

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U.S. Application No. 10/523,222

Page

3

Any further correspondence with respect to this matter should be addressed to: Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel.: (571) 272-3298
Fax: (571) 273-0459

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Page 1 of 2



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

U.S. APPLICATION NUMBER NO. 10/523,222	FIRST NAMED APPLICANT Erol Ralph Taniir	ATTY. DOCKET NO. S18.001
INTERNATIONAL APPLICATION NO. PCT/GB03/03355		
LA. FILING DATE 08/01/2003	PRIORITY DATE 08/01/2002	

28062
BUCKLEY, MASCHOFF, TALWALKAR LLC
5 ELM STREET
NEW CANAAN, CT 06840

RECEIVED AUG 22 2005

CONFIRMATION NO. 8053
371 FORMALITIES LETTER
OC000000016799800
OC000000016799800

Date Mailed: 08/17/2005

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 01/31/2005
- Copy of the International Search Report filed on 01/31/2005
- Copy of IPE Report filed on 01/31/2005
- Preliminary Amendments filed on 01/31/2005
- Information Disclosure Statements filed on 01/31/2005
- Request for Immediate Examination filed on 01/31/2005
- U.S. Basic National Fees filed on 01/31/2005

Buckley, Maschoff, Talwalkar & Allison LLC

Date Received: 8/22/05
Matter No.: S18.001 Atty: R.M.T.T.
Items Docketed:

Initials: *JA*

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.16(f) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$65 for a Small Entity:

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- \$65 Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

ANITA D JOHNSON

Telephone: (703) 308-9140 EXT 226

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/523,222	PCT/GB03/03355	S18.001

FORM PCT/DO/EO/905 (371 Formalities Notice)

COPY

Date: 06/27/2006
37 C.F.R. § 1.8

Title: **SPECTACLE KIT**
Inventor(s): Tanir et al.

Enclosed herewith are:

- ☒ Renewed Petition Under 37 CFR § 1.47(a) to Accept Application with Missing Signature.
- ☒ Statement in Support of Petition from Erol Tanier.
- ☒ Copy of Resignation (Attachment A).
- ☒ Copy of Declaration and Power of Attorney, signed by Erol Tanier.
- ☒ Copy of the Petition Decision of 27 April 2006.
- ☒ Copy of Statement from Kurt Maschoff (as previously filed).
- ☒ Exhibit A to Statement of Kurt Maschoff (as previously filed).
- ☒ Copy of Notification of Missing Requirements under 35 U.S.C. 371.
- ☒ Transmittal Form.

Atty. Docket No.: S18.001
Serial No.: 10/523.222
Int'l. App. No.: PCT/GB03/03355
Int'l. Filing Date: 01 August 2003